

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 1719 of 1988

For Approval and Signature:

Hon'ble MR.JUSTICE D.C.SRIVASTAVA

- =====
1. Whether Reporters of Local Papers may be allowed : NO
to see the judgements?
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
 4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the Civil Judge? : NO

HANSABEN F RAO

Versus

EDUCATION OFFICER

Appearance:

MR NS SHETH for Petitioner

NOTICE SERVED for Respondent No. 1

MR BP TANNA for Respondent No. 2

CORAM : MR.JUSTICE D.C.SRIVASTAVA

Date of decision: 26/11/1999

ORAL JUDGEMENT

As many as six prayers have been made in this petition. After going through the writ petition it appears that relief 'C' is the only relevant relief which requires consideration of this court.

The brief facts are that the petitioner was working as a teacher in primary school No. 8 situated at

Nawa Wadaj run by the respondents. Her son aged about 17 years fell seriously ill and for proper treatment the petitioner took her son to V.S. Hospital and on further advice by V.S. Hospital to Parekh Nursing Home, Bombay. She incurred huge expenses in connection with treatment of her son. She submitted medical bills which were transmitted from one table to another table and ultimately after observing formalities, the request of the petitioner was rejected and the bills were not passed nor any money was paid. Thereafter representation annexure-D was made on 19.1.1988 by the petitioner to the respondent No. 1 which also remained unreplied. Accordingly the present petition has been filed.

So far as relief (A) is concerned, it has been granted inasmuch as the petition was admitted on 6.4.1988. So far as the second relief is concerned, it cannot be granted at this stage by this court because the medical bills have already been rejected by the respondents after proper scrutiny. The third relief can be granted because after rejection the petitioner made another representation annexure-D on 19.1.1998 and the same is said to be pending. If this is so then mandamus can be issued to the respondents to decide the representation annexure-D dated 19.1.1998 within a period of two months from today.

So far as relief 'D' is concerned, it cannot be granted because now when the petition is being finally disposed of, no direction for interim payment can be given more particularly when the medical bills of the petitioner were rejected by the respondents. Relief 'E' can be partly granted. The petition therefore partly succeeds. The respondents are directed to consider and decide the representation annexure-D dated 19.1.1998 of the petitioner within a period of two months from today. No order as to costs.

(D.C. SRIVASTAVA, J)

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